

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS NOS. 3581/98, 855/90, 856/90,  
8459/89, 847/90, 848/90 and 849/90

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KRISHAN KANT KHARE

Versus

STATE OF GUJARAT

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Appearance:

MR MC BHATT for Petitioner in all the matters

MR SP HASURKAR, Addl.GP with MR SA PANDYA, AGP for  
Respondents in all the matters

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 21/11/98

COMMON ORAL JUDGEMENT

In all these seven Special Civil Applications filed by the Assistant Professors of the Medical Colleges in the State of Gujarat, the controversy raised was with regard to their claim for their increments because, the increments were denied on the ground that the petitioners had not passed the departmental examination in Gujarati language.

2. Learned Counsel Mr.Bhatt, appearing for the petitioners has submitted that few of the petitioners have already passed such examination during the pendency of these Special Civil Applications, but Mr.Pandya submits that he has no definite instructions as to whether any of the petitioners has passed such

examination or not, but he submits that nobody's increment is withheld and the increment due to each of the petitioners has been released from the due date and he has further submitted that that the same shall not be withheld even in future, provided the petitioners who may not have passed such examination, undertake to pass the same even now, within a period of three years, i.e. by the end of the year 2001. Mr.Bhatt, appearing for the petitioners, at this stage, agrees to the condition of passing the requisite departmental examination in Gujarati by the end of the year 2001. Any of the petitioners who may not have passed such examination would, therefore, be under an obligation to pass the same by the end of the year 2001, but the increments of none of the petitioners shall be withheld at least upto the end of the year 2001. It will be open for the petitioners to apply before the concerned competent authority or the State Government to grant extension of the period of three years after the expiry of the year 2001 and it will be in the discretion of the Government to extend such time as the concerned authority deems proper in the facts and circumstances of all or any of the cases. In case the Government fails to hold such examination in any year, the limitation of three years. would automatically stand extended to that extent.

3. All these seven Special Civil Applications are, therefore, allowed in the agreed terms as above and the Rule is made absolute in the above terms. No order as to costs.

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